

Sarah, [REDACTED]

I am troubled by numerous omissions from my sections in the final EA.

I realize that some of these changes were made throughout the review process, and I apologize for not being able to respond adequately before but there was a great deal of version confusion and changes to other sections that I could not review before finalizing mine and other issues associated with the review that complicated my ability to respond.

I can see that much language was omitted to comply with streamlining and page limits. However, I think it should have been considered that I already streamlined and removed redundancy to a great extent: there was no Economy or Sociocultural Systems sections. I rolled any econ and sociocultural into EJ, and furthermore rolled much of what would normally be in Chapter 3 into Chapter 4 to reduce redundancy. Therefore, a slightly longer EJ section, in Chapter 4 only, should have been fine as it was still much shorter than treating all those resources separately.

It was decided there should not be an economy section because it wasn't a resource that would be substantially impacted. An economist should have made that determination and determined whether a specialist's report would have been appropriate. I am not an economist but I think that a specialist's report would have been appropriate and it should have included a sub-section on non-market values and that report should have been summarized briefly in the EA.

As it is, my EJ section only briefly discussed local economic impacts as they relate to EJ. Even though an economy section was deemed not necessary, most of the economy language in the EJ section has *not* been omitted. Instead, what was omitted was the EJ context of the proposed action for the two communities (I streamlined substantially by limiting my discussion to two communities, when in fact there is a far larger collection of North Slope and Gwich'in communities that would be impacted - residents from several Gwich'in communities have testified about this in the Coastal Plain Leasing EIS meetings.)

The final omitted the entire section of the EJ discussion that discussed the EJ context for Kaktovik and Arctic Village and that summarized the main reasons that residents of Kaktovik support or do not support exploration in the Coastal Plain. We have already gone against EO 12898 by not conducting meaningful consultation with these EJ populations (that I am aware of), but I felt that I had based that discussion on solid research that accurately represented the views of the main EJ populations. Normally, we would discuss those impacts with those people to determine how significant the impacts might be and how best we could mitigate them. I should note that we normally conduct government-to-government consultation for large seismic projects in the NPR-A, therefore doing so would not have been extraordinary. I removed the section on consultation that I normally include in the ANILCA 810 analysis and in the subsistence and/or EJ sections. I contend that removing all of the language that I did submit on the issues is not in compliance with the EO, which requires that federal agencies identify and address impacts of their activities on EJ populations.

I realize that there is little to be done at this point and that my name will not appear as a preparer for this document, however I do want it to be on the record that I oppose these omissions and am concerned that the BLM is not complying with guidance on tribal consultation and EO 12898. I am providing the language I had provided in my latest version below.

Thank you very much for the opportunity to provide my thoughts on the final EA.

Stacey

As described in Chapter 3, the majority of residents in the communities that could be impacted by the proposed activity are tribal members and therefore considered EJ populations.

Broader analysis of EJ issues associated with seismic exploration of the area is complex because two different groups of Arctic indigenous residents (EJ populations) would be impacted differently. Cultural impacts (e.g., tensions and distress associated with the political and environmental significance of the proposed activity being permitted, feelings of loss and distrust) would vary widely between them because the Arctic Refuge region is the focus of long-running and highly controversial indigenous-led struggles both against and for oil exploration and development. Following Council of Environmental Quality guidance on evaluating environmental justice within NEPA (1997), the analysis should recognize if the question of whether agency action raises environmental justice issues is highly sensitive to the history or circumstances of a particular community or population (CEQ, 1997, pg. 8). BLM therefore considers the following factors in determining whether the environmental effects of the proposed seismic survey would be disproportionately high and adverse: Whether there would be an impact on the natural environment that would significantly and adversely affect Native residents of Kaktovik and/or Arctic Village. Such effects could include subsistence, ecological, cultural, human health, economic, or social impacts to Tribal members when those impacts are interrelated to impacts on the natural and physical environment.

Alternative A - Proposed Action

Kaktovik

The historical context within which environmental justice issues are considered for the Iñupiat of the North Slope is discussed in the 2012 NPR-A Integrated Activity Plan/EIS (Section 4.4.5). The history of the Kaktovikmiut stands out because Kaktovik has been subjected to considerably greater adverse impacts from Federal actions than other North Slope communities. In summary, Kaktovik has been subjected to:

- Three forced village relocations, the first (1947) involving the bulldozing and loss of homes and ice cellars (Mikow, 2010; NSB 2015).
- Military commandeering of Barter Island resulting in extensive environmental degradation of its land and water and dramatic and rapid transformation of the social, cultural, and economic traditions of the indigenous community (Chance 1990).
- Decades of negotiating the processes of cleaning up contaminants and debris.
- Failed efforts to seek compensation for the relocations and environmental damage due to both ANCSA's extinguishment of previous land claims and an expired statute of limitations.
- Limited land selection opportunities due to the establishment of the Arctic NWR, restrictions on some subsistence practices in the Arctic NWR, and public and political opposition to allowing the Qaaktugvigmiut to develop resources on its 1002 lands due to their location within Arctic NWR. Some Kaktovikmiut perceive themselves as 'conservation refugees' whose right to economic development is unjustly thwarted by outside interest groups (Rexford 2017).

The seismic survey itself would not provide substantial economic benefits to local people because it is an investment to ascertain the oil and gas resources in the area in anticipation of development. Kaktovik residents could see some minor increased economic activity in their community due to the seismic operation (increased demand for local services and a few local jobs). According to the 2010 census, the median income in Kaktovik is \$53,750 and 3.8% of the population lives below the poverty line. These statistics are misleading in the context of remote Alaska communities, where the cost of living is significantly higher than in urban areas. Most food is flown in and is generally 146 percent higher, and can be double the cost, than in urban communities (ADOLWD 2018). Subsistence foods, therefore, constitute a critical component of the economy. The Alaska Department of Labor and Workforce Development maintains a database of Alaskan

communities that are economically distressed^[1], and approximately half of all Alaskan communities qualify as distressed by the standards used. Despite the high cost of living and the fact that a greater percentage of residents live in poverty than reflected by census data, Kaktovik does not qualify as economically distressed (Denali Commission 2017). If the proposed seismic survey results in development of Native owned oil, most North Slope Iñupiat, as shareholders in their Native corporations, would see economic benefits. This information is discussed within the scope of the EJ analysis for the proposed seismic survey to establish that the action does not present a typical EJ situation wherein a project is imposed by outside industry near a minority population. For those Inupiaq-led corporations, Kaktovik leadership entities, and residents who support the proposed action, it represents long overdue justice for the community.

EJ evaluations also recognize sub-populations within EJ communities who perceive or would experience potential impacts differently. Some Kaktovik residents do not support the proposed seismic survey. One assertion is that the community is essentially evenly divided (City of Kaktovik 2018), another is that the majority of Kaktovik adults who voted in the last election signed a community petition opposing oil development in the Coastal Plain (Thompson 2017). These residents may oppose the activity due to concerns that include, but are not limited to:

- Disruptions to the Kaktovik cultural landscape.
- The project's potential impact to subsistence use areas (the air, water, and land).
- Reduced access to and user avoidance of traditional subsistence use areas.
- Reduced value of traditional subsistence use areas.
- Potential disruption and deflection of subsistence resources (resource availability).
- Potential decreased community participation and transmission of knowledge about the area.
- Seismic exploration could lead to onshore oil development infrastructure which would facilitate offshore oil development in the Beaufort Sea.
- Industrial activity in the Refuge may endanger eco-tourism and local wildlife viewing businesses that are increasingly prevalent in Kaktovik.

Arctic Village

Arctic Village Gwich'in Athabaskans have organized and led strong opposition to exploration and development in the Coastal Plain for several decades, usually in coordination with residents of other Gwich'in communities that rely caribou from the Refuge. The Gwich'in Nation has passed numerous resolutions opposing oil exploration and development in the Arctic Refuge and they see the subject as a food security and human rights issue. Arctic Village residents depend heavily on harvesting animals from the Porcupine Caribou Herd (see Subsistence section), and the Gwich'in people consider the herd's calving grounds on the Coastal Plain as sacred ground (Gwich'in Nation 1988). Their central concern is that industrial activity in the Coastal Plain will affect the abundance and/or migration patterns of the caribou. Arctic Village residents also produce numerous caribou products (e.g., vests, parkas, slippers, etc.) for use, barter, customary trade, and sale.

Residents in Arctic Village would not likely experience direct impacts from the seismic survey, however some believe that the movement of the seismic camp units across the tundra would result in damage to the land (habitat for the Porcupine Caribou Herd) (John 2018). Residents have also expressed concerns about oil spills, air quality, and potential impacts to wolves and small mammals (John 2018). Many Gwich'in are experiencing stress, frustration, and fear over the provisions of the Tax Act that require leasing in the region and that are compelling the proposed seismic survey: they see this as a struggle for their culture and way of life (Garnett 2018). Spokespeople for the Gwich'in have described the permitting process itself as an injustice, noting that many tribal leaders have spent their entire adult lives defending their people and their culture. The current permitting process is exacerbating long-held feelings of disempowerment and disenfranchisement for some residents. [MSJ1]

Residents of Arctic Village and other Gwich'in communities are not positioned to benefit economically from any increased local economic opportunities that may result from the proposed action. According to the 2010 census, the median income in Arctic Village is \$25,000 and 46.7% of the residents live below the poverty line. As described above, these statistics are misleading in the context of remote Alaska communities, where the cost of living is significantly higher than in urban areas. Arctic Village, according to the Alaska Department of Labor and Workforce Development, qualifies as economically distressed (Denali Commission 2017).

[ESA2] Alternative B - Addition of Best Management Practices

The BMPs that would be established under Alternative B may result in better communication with residents of Kaktovik about subsistence uses and access and would avoid impacts near allotments, camps, and cabins on Federal lands within the proposed seismic survey area. For residents of Arctic Village and other Gwich'in communities, there would not be any difference regarding environmental justice issues under Alternative B.

Alternative C - No Action

If the seismic survey were not permitted, none of the anticipated impacts to EJ populations would occur. Oil companies would be less likely to lease and develop land owned by KIC and Public Land within the Coastal Plain. Many North Slope residents, leadership entities, and Inupiaq-led corporations would perceive the no action alternative as a continuation of injustice in that it would deny them their right to take necessary steps to develop their land, increase economic development in their communities, and maintain or increase dividends to shareholders. The no action alternative would allay the current environmental justice concerns of Arctic Village and other Gwich'in communities because no habitat for the Porcupine caribou would be affected and the no action alternative would likely impede oil development in the region.

[1] Data available on population, employment, and earnings is used to identify those Alaska communities considered "distressed". The distressed status is determined by comparing average income of a community to full-time minimum wage earnings, the percentage of the population earning greater than full-time minimum wage earnings, and a measure of the percentage of the population engaged in year-round wage and salary employment (Denali Commission 2017).

[Quoted text hidden]